

## BEFORE THE IDAHO BOARD OF TAX APPEALS

IN THE MATTER OF THE APPEAL OF WILLIAM P. ) APPEAL NO. 06-A-2030  
AND BARBARA WORRELL from the decision of the ) FINAL DECISION AND  
Board of Equalization of Ada County for tax year 2006. ) ORDER

## RESIDENTIAL PROPERTY APPEAL

THIS MATTER came on for hearing September 26, 2006, in Boise, Idaho, before Hearing Officer Sandra Tatom. Board Members Lyle R. Cobbs, and David E. Kinghorn participated in this decision. William and Barbara Worrell appeared as Appellants. Chief Deputy Assessor Marilee Fuller, and Appraisers Rick Stolz and David Jauquet appeared for Respondent Ada County. This appeal is taken from a decision of the Ada County Board of Equalization denying the protest of the valuation for taxing purposes of property described as Parcel No. R5679000370.

The issue on appeal is the market value of residential property, specifically the value attributable to the land.

**The decision of the Ada County Board of Equalization is affirmed.**

## FINDINGS OF FACT

The assessed land value is \$127,500, and the improvements' valuation is \$110,200, totaling \$237,700. Appellants request the land value be reduced to \$80,800, and the improvements' value be left at \$110,200, totaling \$191,000.

Subject property is 0.28 acres of land with a 1,652 square foot single-family residence built in 1962. Appellants maintained that only the land value was under appeal.

Taxpayers presented information obtained from the Ada County Assessor's website on 16 residences located in close proximity to subject. The exhibit displayed the percentage of

change in assessed land value from 2005 to 2006. Subject had a 172% increase in land value in 2006. The Assessed land values for the 16 properties increased from 10% to 82%.

Taxpayers disputed the land sale comparables used by the Assessor, stating that the sales were not in the immediate area of subject. Appellants suggested subject should be assessed for less because the 16 properties they found on the Ada County website were located one subdivision away from subject and land values were assessed much lower for larger lots.

Respondent maintained that parcels in subject's Mesa Vista Subdivision are equitably assessed. Respondent submitted an exhibit labeled Non-view Land Sales to demonstrate that land sales in the area ranged from \$100,000 to \$175,000 and size ranged from .17 to .20 acres. The extra lot size of subject resulted in a market value of approximately \$157,000, after adjustment.

Respondent also submitted an exhibit which displayed the extracted improvement values from recent comparable sales in the same subdivision as subject and the average land residual was \$152,025. Subject's assessed land value is \$127,500.

Respondent stated that the best benchmark for equity in appraisal is market value and that the goal is to have all properties assessed at 100% of market value according to statute. Respondent maintained there were numerous sales in the Mesa Vista Subdivision last year to indicate land values were low and adjustments were made accordingly.

Respondent also provided a spreadsheet listing all non-view lots in the Mesa Vista Subdivision. The list was arranged by lot size in decreasing order and a map with the location of parcels in relation to subject. The median land percentage increase was 190.3% for lots without views in the Mesa Vista Subdivision and subject land value was increased 171.28%. The median total assessed property value increase was 57.71% and subject was increased 52.3%.

Respondent presented three comparable sales similar in size and age to subject, two of the sales took place beyond the lien date of January 1, 2006. The County's Sales Comparison Grid illustrated adjustments made to the comparable sales for date of sale and differences in total square footage, number of bathrooms, size of garage, quality of construction, and design and appeal in order to arrive at an indicated value for subject. The adjusted sale price per square foot ranged from \$137 to \$165. The subject assessed value is \$144 per square foot.

Respondent submitted a plat map of the lots surrounding subject to demonstrate the assessed values were all uniform amongst similar non-view lots.

### CONCLUSIONS OF LAW

This Board's goal in its hearings is the acquisition of sufficient, accurate evidence to support a determination of fair market value. This Board, giving full opportunity for all arguments and having considered all testimony and documentary evidence submitted by the parties in support of their respective positions, hereby enters the following.

Idaho Code Section 63-208. Rules pertaining to market value – Duty of Assessor. Rules promulgated by the State Tax Commission shall require each assessor to find market value for assessment purposes.

Idaho Code 63-201(10) defines market value:

“Market Value” means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

Appellants did not submit any current sales information, appraisals or other factual information pertaining to the market value of the subject property. Appellants' case was

constructed around a comparison of assessed values and the fact that the subject land value was too high based on assessed values in neighboring subdivisions. Assessed values are not considered good evidence of market value.

The County submitted three comparable sales similar to the subject in location and size to indicate values are similar after adjusting for differences in the properties. The adjustments were made for date of sale and differences in total square feet, bathrooms, garage size, and design and appeal. The plat map submitted by Respondent indicated land values in the subject's subdivision are uniform and other evidence demonstrates the valuations are based on comparable residential sales and land value extractions. Respondent's exhibits supported subject's assessed value.

This Board finds the County Assessor did consider all of the known value factors which affected the subject property.

Idaho Code Section 63-511(4). Appeals from county board of equalization.

In any appeal taken to the board of tax appeals or the district court pursuant to this section, the burden of proof shall fall upon the party seeking affirmative relief to establish that the valuation from which the appeal is taken is erroneous, or that the board of equalization erred in its decision regarding a claim that certain property is exempt from taxation, the value thereof, or any other relief sought before the board of equalization. *A preponderance of the evidence shall suffice to sustain the burden of proof.* The burden of proof shall fall upon the party seeking affirmative relief and the burden of going forward with the evidence shall shift as in other civil litigation. The board of tax appeals or the district court shall render its decision in writing, including therein a concise statement of the facts found by the court and the conclusions of law reached by the court. The board of tax appeals or the court may affirm, reverse, modify or remand any order of the board of equalization, and shall grant other relief, invoke such other remedies, and issue such orders in accordance with its decision, as appropriate. *(Emphasis added.)*

This Board finds Appellants did not prove by a preponderance of evidence that the relief

claimed was warranted. Therefore, this Board finds for Ada County and will affirm the decision of the Board of Equalization.

#### FINAL ORDER

In accordance with the foregoing Final Decision, IT IS ORDERED that the decision of the Ada County Board of Equalization concerning the subject parcel be, and the same hereby is, affirmed.

DATED this 16th day of February, 2007.